

**Mandates of the Special Rapporteur on the human rights of internally displaced persons; and the
Special Rapporteur on extrajudicial, summary or arbitrary executions**

REFERENCE:
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28 January 2021

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the human rights of internally displaced persons; and Special Rapporteur on extrajudicial, summary or arbitrary executions, pursuant to Human Rights Council resolutions 41/15 and 44/5

In this connection, we would like to call the attention of your Excellency's Government to allegations of **recent attacks on camps for internally displaced persons and villages in West and South Darfur in the context of intercommunal violence, which led to killings, injuries and mass displacement.**

According to the information received:

**Attacks on Krinding IDP camp, El Geneina –West Darfur, Sudan, on
16-17 January 2021**

On 16 January 2021, at around 8:00 am, several armed men belonging to Arab communities attacked Krinding camp for internally displaced persons in west Darfur. The attackers blocked the road from El Geneina town to Krinding, before raiding the camp, opening fire at the internally displaced persons sheltered in the camp, who were mostly Masalit, and setting some of the camp shelters on fire. To contain the situation, on the same day the Governor of West Darfur imposed a curfew on the region and authorized security forces to use "lethal force" to enforce law and order. Markets were closed, and public gatherings were banned. Despite these measures, clashes between armed men from both communities resumed on the following day, 17 January 2021, in areas of Abu Zar camp and also in Krinding camp. On 17 January, the group of armed Arab men also set on fire Heilaila village, which has a predominantly Masalit population. During the attacks, they also damaged and looted civilian property.

It was reported that 163 people were killed and 217 others were injured from both sides, including children (some of whom were infants). Hospitals were reportedly overwhelmed with the high number of casualties and in serious shortage of blood supply. As a result of the clashes, 50,000 persons were displaced from Krinding IDP camp to nearby areas, and their humanitarian needs are dire, including shortages of food, water, blankets, hygiene supplies and medicine.

The attack was launched on 16 January shortly after an Arab tribal leader, who had allegedly been stabbed by a Masalit man the day before, was pronounced

dead. The perpetrator had been handed over to police on the evening of 15 January. Disputes between the Masalit, who are primarily farming communities, and Arab herders over lands and resources are long-standing in Darfur.

Government response:

The Prime Minister's office in Khartoum issued a statement vowing to send a high-level delegation led by the Attorney-General "to take the necessary measures" to stabilize the situation in the region. The Sudan Security and Defence Council also deployed security forces to contain the situation. Reportedly, the Attorney General issued a decree on 19 January establishing a committee to investigate these incidents.

Attack on Taweil village in South Darfur, Sudan, on 18 January 2021

On 18 January 2021, armed men from the Rezigat tribe riding horses and camels, and driving toktoks, attacked Taweil village, which is the home of one hundred families from the Falata tribe. The resulting firefight between both tribes reportedly resulted in the killing of 72 people (65 from Falata tribe, and 7 from Rezigat tribe), the injury of 72 others (68 from Falata tribe, and four Rezigat tribe) and the displacement of about 100 families.

The attack followed the killing of a 10-year-old boy from the Rezigat tribe allegedly by a member of the Falata tribe the day before (17 January) when the boy crossed into land claimed by Falata tribe while searching for his camels. The events took place in the context of long-standing tensions over land rights between the non-Arab Falata tribe and the Arab Rezigat tribe in Gereida locality in south Darfur.

Government response:

The state security committee deployed joint forces from the Rapid Support Forces, the army and the police to contain the situation. No information has been received as to whether an investigation has been established into this incident.

While we do not wish to prejudge the accuracy of these allegations, we are deeply concerned at the intercommunal violence and persistent attacks against civilians in Darfur, including internally displaced persons, and the protection of civilians in Darfur – which is particularly alarming in light of the departure of the United Nations-African Union Hybrid Operation in Darfur (UNAMID) as its mandate, which included protection of civilians, was terminated on 31 December 2020. We are further concerned at the impunity and lack of accountability for perpetrators of intercommunal violence, and the lack of remedies for victims. We are also gravely concerned at the situation of internally displaced persons in Darfur, many of whom have been living in protracted displacement, and the challenges they face to achieve durable solutions, in particular due to insecurity and land disputes.

We recognize the efforts of the Government of Sudan to address the situation, in particular through the adoption of the National Plan for the Protection of Civilians, which provides for measures to ensure the protection of civilians and to address the situation of displaced persons. However, we are concerned at the delays in the implementation of this national plan.

We would like to refer to article 6 of the International Covenant on Civil and Political Rights (ICCPR) to which Sudan acceded on 18 March 1986, which provides that “no one shall be arbitrarily deprived of his life.” Without expressing a view on the applicability of international humanitarian law to the situation, we would like to underline that the right to life “is the supreme right from which no derogation is permitted even in situations of armed conflict and other public emergencies which threatens the life of the nation,” (HRCtte, General Comment 36)

We further refer to Human Rights Committee (HRCtte), General Comment No. 31, which states that there is a positive obligation on States Parties to ensure the protection of the rights contained in the Covenant against violations by private persons or entities, which includes the duty to take appropriate measures to prevent, investigate, prosecute and punish those responsible and repair the damage caused by private persons or entities (CCPR / C / 21 / Rev.1 / Add.13, paras. 8 and 18). A failure to investigate and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR.

With regard to the alleged directive to use “lethal force” to enforce law and order, we remind that intentional lethal use of firearms in the context of law enforcement may only be made when strictly unavoidable in order to protect life. Law enforcement officials may only use force when it is strictly necessary and only to the extent required for the performance of their duties. Force used must be proportionate to the legitimate objective to be achieved. Should lethal force be used, restraint must be exercised at all times and damage and/or injury mitigated.

We would like to draw the attention of your Excellency’s Government to Article 25.1 of the Universal Declaration of Human Rights (UDHR) and Article 11.1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), acceded to by Sudan on 18 March 1986, in which the right to adequate housing is grounded. In its General Comment No. 4 on the right to adequate housing (article 11.1 of ICESCR) the Committee on Economic, Social and Cultural Rights (CESCR) has stated that “the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one’s head [...]. Rather it should be seen as the right to live somewhere in security, peace and dignity.” In addition, we wish to refer to Guidelines No. 1 (right to housing as a fundamental human right linked to dignity and the right to life) and 10 (Ensure the right to adequate housing for migrants and internally displaced persons) of the Guidelines for the Implementation of the Right to Adequate Housing set out in the report (A/HRC/43/43) of the previous Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to nondiscrimination in this context.

We wish to draw the attention of your Excellency's Government to the provisions of the 1998 Guiding Principles on Internal Displacement, which reflect international human rights law and international humanitarian law. According to the Guiding Principles, all authorities shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons (Principle 5), and every human being shall have the right to be protected against being arbitrarily displaced from his or her home (Principle 6). Authorities also have the obligation to protect internally displaced persons, in particular their right to life by protecting them against acts such as murder, summary or arbitrary executions and attacks against their camps and settlements (Principle 10). We would also like to refer your Excellency's Government to Principle 18 which requires that internally displaced persons shall have an adequate standard of living that includes essential foods and potable water, basic shelter and housing, and essential medical services and medication.

We would like to remind your Excellency's Government of its primary duty and responsibility to support durable solutions for internally displaced persons, i.e. their safe, voluntary and dignified return to their places or origin, their resettlement elsewhere in the country or their local integration, including assistance to recover their property and possessions which they left behind (Principles 28-30). Where recovery of such property is not possible, internally displaced persons should receive appropriate compensation or another form of just reparation (Principle 29(2)). Principle 28 provides that special effort should be made to ensure the full participation of internally displaced persons in the planning and management of their return, resettlement and reintegration. In regard to the requirement to ensure durable solutions for internally displaced persons, we furthermore recall the provisions of the IASC Framework on Durable Solutions for Internally Displaced Persons.

Finally, we note that Sudan has ratified the Pact on Security, Stability and Development in Africa's Great Lakes Region (2006), and in particular, the Protocol on the Protection and Assistance to Internally Displaced Persons – which requires States parties to respect and integrate the Guiding Principles on Internal Displacement into their national legislation – and the Protocol on the Property Rights of Returning Persons. However, we note that Sudan is not yet a party to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), and we call on your Excellency's Government to join this important instrument.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide information on any measures taken or envisaged by your Excellency's Government to strengthen the protection of civilians, including internally displaced persons, in Darfur and to fully implement the National Plan for the Protection of Civilians.
2. Please provide information on any measures taken by your Excellency's Government to investigate the above violations and to hold perpetrators accountable in accordance with the principles of due process, as well as to provide remedies to victims.
3. Please provide information on the authorization by the Governor of West Darfur for the security forces to use "lethal force" to enforce law and order, and the safeguards in place to ensure law enforcement officials fully comply with human rights law.
4. Please provide information on any measures taken to provide humanitarian assistance to those displaced and to create the conditions for internally displaced persons in Sudan to achieve durable solutions (return to their place of origin, local integration or settlement elsewhere in the country), while ensuring the participation of internally displaced persons in the design of responses and solutions to their displacement.
5. Please provide information on any steps that your Excellency's Government is taking towards the possible ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

Cecilia Jimenez-Damary
Special Rapporteur on the human rights of internally displaced persons

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions